

F. Joseph Nealon (admitted *pro hac vice*)
Michael A. Graziano (admitted *pro hac vice*)
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, NW Suite 1200
Washington, DC 20006
(202) 659-6606 phone
(202) 659-6699 fax
jnealon@eckertseamans.com
mgraziano@eckertseamans.com

Richard J. Nalbandian
Attorney ID #030382011
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19102
(215) 851-8395 phone
(215) 851-8383 fax
rnalbandian@eckertseamans.com

Counsel for Plaintiffs

Andrew A. Weissmann (admitted *pro hac vice*)
Andrew J. Lichtman
Jenner & Block LLP
919 Third Avenue
New York, New York 10022
(212) 891-1600 phone
(212) 891-1699 fax
aweissmann@jenner.com
alichtman@jenner.com

Daniel J. Weiss (admitted *pro hac vice*)
Keri L. Holleb Hotaling (admitted *pro hac vice*)
Jenner & Block LLP
353 North Clark Street
Chicago, Illinois 60654
(312) 222-9350 phone
(312) 527-0484 fax
dweiss@jenner.com
khotaling@jenner.com

Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN DIVISION**

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SUBARU OF AMERICA, INC., and	:	
GREAT AMERICAN INSURANCE	:	
COMPANY,	:	
	:	
Plaintiffs/Counterclaim	:	
Defendants,	:	
	:	
v.	:	Case No.: 1:20-cv-08603-NLH-AMD
	:	
CBRE, INC.,	:	Hon. Noel L. Hillman
	:	Hon. Anne Marie Donio
	:	
Defendant/Counterclaimant.	:	[PROPOSED] STIPULATED ORDER
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Subject to the approval of the Court, Plaintiffs, Subaru of America, Inc. and Great American Insurance Company (“Plaintiffs”) and Defendant, CBRE, Inc. (“CBRE”), through their undersigned counsel stipulate and agree as follows:

WHEREAS, on November 30, 2020, CBRE filed its Motion for Judgment on the Pleadings in relation to Plaintiffs’ First Amended Complaint [Dkt. 26], the parties fully briefed that motion, and that motion was set for a motion date of January 19, 2021 before Judge Hillman.

WHEREAS, on January 29, 2021, Plaintiffs filed their Motion for Leave to Amend the Complaint (the “Motion”) [Dkt. 35] and the Court set that motion for March 1, 2021 before Magistrate Judge Donio.

WHEREAS, CBRE intends to assert that the same legal deficiencies raised in its Motion for Judgment on the Pleadings apply to Plaintiffs’ proposed Second Amended Complaint and Plaintiffs intend to assert that no such deficiencies apply.

WHEREAS, for the purpose of efficiently presenting the parties' respective positions, CBRE, with the Court's approval, would consent to the filing of Plaintiffs' Second Amended Complaint on the condition that CBRE reserves the ability to raise legal deficiencies in the pleading by means of a Rule 12(b)(6) motion, and Plaintiffs would consent to such procedure on the condition that they reserve all arguments in opposition to CBRE's contemplated Rule 12(b)(6) motion;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiffs and Defendant, that:

1. Plaintiffs' Motion for Leave to Amend the Complaint [Dkt. 35] is hereby granted without prejudice to Defendant's ability to challenge the legal sufficiency of such pleading;
2. Defendant shall have until March 8, 2021 to file a Rule 12(b)(6) motion challenging the legal sufficiency of Plaintiffs' Second Amended Complaint; and
3. The previous motion date of March 1, 2021 for Plaintiffs' Motion for Leave to Amend the Complaint is stricken.

AGREED:

By: /s/ Richard Nalbandian

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MELLOTT, LLC
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Washington, D.C. 20006
(202) 659-6606 phone
(202) 659-6699 fax
jnealon@eckertseamans.com
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By: /s/ Andrew J. Lichtman

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Counsel for Plaintiffs

Dated: February ____, 2021

SO ORDERED:

Chicago, IL 60654
(312) 222-9350 phone
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dweiss@jenner.com
khotaling@jenner.com

Counsel for Defendant
